

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

MARK ALAN ZWEIG

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04-cv-4WS

AMERIQUEST MORTGAGE COMPANY, et al.

DEFENDANTS

**ORDER**

Before the court are the following motions: (1) the plaintiff's motion to quash three subpoenas duces tecum issued by the defendant Ameriquest Mortgage Company to non-party credit reporting services, namely Experian; TransUnion LLC; and Equifax Information Services, Inc. [docket # 131]; (2) the plaintiff's motion for an order compelling production of various information from the same three non-party reporting services above-named [docket # 138]; and (3) defendants' motion to continue hearing previously set for November 16, 2006 [docket # 135].

Defendants' motion for continuance of the hearing, unopposed by plaintiff, was presumed granted by the parties since the court removed this matter from its docket for hearings. The court was aware that the parties were not prepared for a hearing in view of their contest over information sought from the non-party credit reporting services. Accordingly, this motion is granted, belatedly. The court will set a new hearing date once the dispute is resolved relative to what information the non-party credit reporting services need provide.

Both the plaintiff and the defendants have issued subpoenas to the above three non-party credit reporting services. Plaintiff contends that defendants' requests are overbroad and seek information not relevant to the issues posed by this lawsuit.

This court agrees. Defendants seek information which is not relevant to these proceedings. Defendants were required to comply with the settlement agreement reached in this case. The question is whether they did so. Under the agreement, defendants were to submit information to the three major credit bureaus that their loan between plaintiff and defendant Ameriquest had been paid in full and paid on time, with payments deferred due to litigation. As such, defendants may seek information dealing with correspondence, that is, any Universal Data Forms received from AMC Mortgage Services and/or Ameriquest Mortgage Company concerning plaintiff; and/or documents and records received by way of the E-Oscar system concerning plaintiff bearing upon whether the credit reporting services received any of the information which defendants herein were required to submit under the agreement between plaintiff and defendants.

Plaintiff seeks similar information from the credit reporting services, but the credit reporting services apparently have indicated that they wish to submit their information pursuant to a court order.

Accordingly, the defendants will modify their requests to reflect the above directives and plaintiff will review his requests also. The parties will then submit their requests for information to this court and this court will issue an order to compel to the three non-party credit reporting bureaus. Once this court has received the information and determined that it should be disseminated to the parties, the court will do so.

Therefore, this court hereby grants plaintiff's motion to quash the subpoenas issued by the defendants to the three non-party credit reporting bureaus.

The court, at this time, also denies plaintiff's motion asking this court to compel the three non-party credit reporting bureaus to answer his requests. As earlier mentioned, this court will submit an order to the three non-credit reporting bureaus which will include plaintiff's requests.

The parties are to comply with this order by September 10, 2007.

**SO ORDERED**, this the 30th day of August, 2007.

**s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE**

Civil Action No. 3:04-cv-4 HTW-JCS